

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

In re:

Case No. **3:19-bk-32116**

Chapter 13

**Theresa A. Tieman**

Judge Guy R. Humphrey

Debtor.

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**MOTION FOR MODIFICATION OF PLAN POST CONFIRMATION AND NOTICE**

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Now comes the Debtor, by and through counsel, and respectfully moves this Court to modify the most recently confirmed plan on this case. Support for the motion is set forth in the following memorandum.

MEMORANDUM IN SUPPORT

A plan has been confirmed.

Date petition filed: June 30, 2019

Date last modification filed: n/a

Date plan confirmed: November 25, 2019

Date last modification confirmed: n/a

Dates of other modifications: n/a

Monthly Plan Payments: Current: \$414.00

Proposed: \$414.00

If the plan changes the monthly payments, then amended Schedules I and J are attached.

Percent to Unsecured Creditors: Current: 9% Proposed: 9%

Length of Plan (months): Current: 60

Proposed: **84** See 11 U.S.C. §1329(d)

(This case presents a Debtor with below-median income.)

(Above median income case must be a 60 month plan unless plan is repaying 100% to the general unsecured creditors.)

**The effective date is the date of the entry of the Order.** For calculation purpose, the Trustee will use the motion filed date.

The Debtor(s) are responsible for any increase in the Payroll Deduction, TFS, or Direct Payment until such payment is adjusted.

Reason for the modification, including any changes in circumstances since last plan:

The proposed modification has become necessary as a result of a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID-19) pandemic. Specifically, Debtor sustained a loss of income as a direct result of the pandemic, having been furloughed from employment in the middle of 2020, which led to an interruption of plan payments.

In addition to a reduction in earnings, Debtor has been required to purchase items deemed necessary for personal sanitation, household cleaning supplies, and the like, and which were beyond their ordinary and budgeted purchases of such items. Such expenses have strained Debtor's financial circumstances with regard to other monthly household living expenses.

Without the use of additional time afforded by 11 U.S.C. § 1329(d) under the circumstances presented, the plan projects to complete beyond 60 months following the initial plan confirmation, rendering it unfeasible within the time constraints imposed under 11 U.S.C. § 1322(d). Debtor therefore seeks to extend the plan to a total duration of up to 84 months, in accordance with 11 U.S.C. § 1329(d).

(Debtor's attorney will make separate application for additional attorney fees, as provided by LBR 2016-1.)

WHEREFORE, Debtor prays for a modification of the current plan, and for such additional or alternative relief as may be just and proper.

**/s/ Daniel S. Zegarski**

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Daniel S. Zegarski (0065562)  
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(859) 800-3299 (Facsimile)  
dzegarski@steidenlaw.com

**MODIFICATION OF CHAPTER 13 PLAN**

In re:

Theresa A. Tieman

Case No. 3:19-bk-32116

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Creditor name:

Type of Claim: ( ) secured ( ) unsecured ( ) 507 priority ( ) other

Nature of Claim:

Current Plan:

Proposed Plan:

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Creditor name:

Type of Claim: ( ) secured ( ) unsecured ( ) 507 priority ( ) other

Nature of Claim:

Current Plan:

Proposed Plan:

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Creditor name:

Type of Claim: ( ) secured ( ) unsecured ( ) 507 priority ( ) other

Nature of Claim:

Current Plan:

Proposed Plan:

UNITED STATES BANKRUPTCY COURT - SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

In re: : Case No. **3:19-bk-32116**  
**Theresa A. Tieman** : Chapter 13  
Debtor. : Judge Guy R. Humphrey

**NOTICE OF MOTION**

Debtor has filed with the Court a Motion for Modification of Plan Post Confirmation and Notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant or allow the relief sought in the motion, or if you want the Court to consider your views on the motion, then on or before **twenty-one (21) days** from the date set forth in the certificate of service for the motion/objection, **or within such shorter time period as the Court may order**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to: U.S. Bankruptcy Court, 120 West Third Street, Dayton, OH 45402, or your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

STEIDEN LAW OFFICES  
411 Madison Avenue  
Covington, KY 41011

Theresa A. Tieman  
3296 Grand Falls Blvd.  
Maineville, OH 45039

U.S. Trustee  
170 North High Street, Suite 200  
Columbus, OH 43215

John G. Jansing, Trustee  
131 North Ludlow Street, Suite 900  
Dayton, OH 45402

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further hearing or notice.

Date of service: **February 27, 2021**

/s/ **Daniel S. Zegarski**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Modification of Plan Post Confirmation and Notice was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court, and (ii) by first class mail on **February 27, 2021**, addressed to:

Theresa Tieman, 3296 Grand Falls Blvd., Maineville, OH 45039  
Kemba Credit Union, Inc, P.O. BOX 14090, CINCINNATI, OH 45250  
TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE,  
STE 400, SEATTLE, WA 98121  
JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid,  
P.L., 6409 Congress Avenue, Suite100, Boca Raton, FL 33487  
Home Point Financial Corporation, 11511 Luna Road,Suite 300, Farmers Branch, TX75234  
Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
General Electric Evendale-FCU, 10485 Reading Road, Cincinnati, OH 45241  
Mercy Health, PO Box 1123, Minneapolis, MN 55440-1123  
Federated Department Stores Inc, c/o Quantum3 Group LLC, PO Box 657,  
Kirkland, WA 98083-0657  
Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57117  
Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA23541  
The Falls of Landen Homeowners Association, Inc., 10655 Springfield Pike, Cincinnati, OH 45215  
Mercy Health Physicians, PO Box 630827, Cincinnati, OH 45263-0827  
Psychological and Behavioral Consultants, PO Box 675136, Detroit, MI 48267-5136  
Republic Bank & Trust Co., PO Box 927830, San Diego, CA 92192-7830

**/s/ Daniel S. Zegarski**

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